

Supplemental Attachment
OAK PERMITS & Permit Reform Informational Report, CED 11/18/2025

Advance Questions for Planning & Building Dept. from Councilmember Ungar

1. Out of the tasks that need to be completed by the city to issue a building permit, what takes the most time and why?

For Building Permit issuance (as distinct from approvals/permits provided by Planning, Fire, OPW, or OAKDOT), the longer tasks include:

- A. *Building Plan check process: It is important to note that City's timeline for first comment on a Building Permit Application averages 19 working days to inform the applicant of any submittal required corrections. In the case where no corrections are needed, Building Plan check can complete on average within 19 working days.*

However, in cases where the Building Permit Application needs correction by the applicant or needs to be reconciled with other Department reviews, then the Plan check can be one of the longer processes.

- B. *Final check process: this entails ensuring all other permitting departments' requirements and all documents from the applicant are completed before issuance of the permit.*

Bear in mind that Building Permits are issued after Planning approval, whose duration may vary greatly depending on whether the project requires a Major or Minor Conditional Use Permit. All Conditional Use Permits are discretionary and may be appealed. Depending on the CEQA and Environmental Impact Review requirements, this duration for Planning approval can extend months or, depending on the project's complexity, over a year.

2. What obstacles does the department face in trying to provide efficient planning reviews? What are ways that could speed up the process (new technology, AI, code summary drawings, streamlining/combining Fire and Building plan checks?)

On August 29, 2025, the City instituted a new Ministerial Design Review process for projects including 1 to 30 market-rate housing units. This new Planning entitlement track is not subject to CEQA, public notice, or right of appeal, so we expect it to substantively reduce processing times for qualifying residential projects.

The Department is also in the process of bringing planning code amendments to the Planning Commission and City Council before the end of 2025 to move many

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categories of discretionary projects currently requiring Conditional Use Permits to ministerial (by right) approval, saving months off the timeline for review.

Other PBD initiatives at various states of development to increase the efficiency of planning and building reviews include:

- A. Examining options for enhanced software systems including AI tools for plan submittals, tracking, and processing. The goal will be both to increase efficiency and retire processes and forms that will no longer be necessary with these new enhancements.*
- B. Incorporation of the Fire review application and fee directly into the initial Planning application intake process, with the intent to reduce intake redundancy and provide an easier intake process for applicants;*
- C. And looking farther down the road - the zoning code update process that will follow completion of the General Plan Update (end of 2026) will provide the department with an opportunity to move toward a simpler, streamlined planning code that is easier to understand, interpret, and implement.*

3. Disagreement regarding code interpretations – between staff and builders, and among staff members – often slows a project’s progress. Why isn't there an ombudsman to help ease these disagreements?

The California Building Code (CBC) recognizes that disagreements between staff and builders regarding code interpretations can arise and intends that the Chief Building Official may review and revise any interpretation by staff. However, the CBC does not delegate that authority to another party, such as a mediator or ombudsman. Instead, the code assigns the Chief Building Official the authority to interpret and enforce the code, ensuring that issues are addressed through official review processes. In addition, the delegation of authority to the Chief Building Official maintains consistency, accountability, and compliance across projects.

Oakland’s Chief Building Official is committed to resolve any builders’ requests to review staff interpretations, including considering Alternative Means and Methods Reviews.

Moreover, Oakland’s Chief Building Official will review any disagreement between staff and applicants on code interpretation and commits to hearing input from all parties and to working collaboratively to arrive at solutions whenever possible.

4. What changes would need to be made for the city to provide pre-building code inspection for small business premises prior to owners submitting building improvement permits to determine non-compliant conditions BEFORE submission of permit applications – to reduce future conflicts and save time?

This is addressed through our pre-application procedures for applicants requesting feedback on their projects allowing the opportunity for initial review and clarification. Additionally, property owners can request a field check, allowing an inspector to visit the site and conduct a walk-through assessment to identify potential issues before submission.

5. Would it be possible to update standard conditions of approval so that they are current and project-specific conditions do not reiterate the standards or pose conflicts with the standard conditions?

The Standard Conditions of Approval (SCAs) for Planning projects were just updated in August 2025.

Planning Bureau policy is to avoid any conflict between project-specific conditions and standard conditions by specifying any superseding condition in a decision letter. Any applicant, architect, or builder who knows of any projects approved with conflicting conditions in their decision letter should bring that matter to the Deputy Director of the Planning Bureau to address.

6. To what extent do you believe the new state legislation eliminating CEQA review for infill housing will speed up the housing permitting process? What if any adjustments will the Planning Dept. need to make to accommodate the elimination of any CEQA review for infill housing?

The current review procedures are consistent with changes in State law regarding CEQA. The new legislation eliminates CEQA for this additional increment of infill housing and could save years off processing the more complex projects. We will be tracking the actual reduction in processing time on these projects and will report that information on a regular cycle.

Also, applicants will need to voluntarily decide to opt in to this new CEQA exemption between now and its full implementation into State law in July 2026.

7. What is the vacancy rate for positions in Planning and Building? What positions comprise the top 3 vacancies and what impact has this had? What is the biggest impediment to hiring staff?

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The current (10/24/2025) PBD vacancy rate for permanent FTEs is 28.1%. When taking into account limited time employees among current working staff, PBD's functioning vacancy rate is 25.8%.

The top 3 classifications with the highest vacancy are:

A. Planners:

We continue to conduct back-to-back recruitments for qualified planners in a challenging market.

B. Public Service Representative:

The City is in the process of recruiting for the classification.

C. Inspector class:

The City is updating classifications for more efficient hiring of code enforcement inspector positions.

8. Since part of the permit fee calculation involves the size of the project, what systems are in place to ensure permits pulled are accurate to the work being performed?

Staff reviews the permit submission and then makes a determination on the accuracy of the reported valuation using the Marshall Swift Index, making appropriate adjustments. Once the project is underway, inspectors check to make sure that the project is adhering to the approved permit.

9. What would it take for Code Enforcement/Finance to recoup fees from projects done without permits?

Code Enforcement and Finance departments work together to recover fees for projects in process or completed without permits. In the case of unpermitted work post-construction, a stop work order is issued and fees are assessed to cover the work inspected. This is in addition to permit fees that would be normally assessed for project submittal. Where there is unpermitted work that is ongoing, fees are further assessed to the project with notification to the property owner alerting them that they need permits for the work they have started in order to prevent further fees.